REMARKS

Claims 2 – 7 and 9 are pending. Applicant amends claim 9. No new matter is entered. Support for the amendment can be found, for example, in Applicant's specification at page 16, line 23 through page 17, line 10 and page 18, line 35 through page 19, line 2.

REJECTION UNDER 35 U.S.C. § 103

Claims 2 – 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,363,064 to Yamaguchi in view of U.S. Patent No. 6,018,625 to Hayball et al. Applicant amends independent claim 9 to further clarify the nature of his invention, and respectfully traverses this rejection.

In amended independent claim 9, Applicant discloses:

> **9.** A transmission apparatus comprising:
>
> an ATM/user network interface which makes a contact point with a first user network management system which handles first resource management information concerning a first cell assembly and disassembly unit which is accommodated outside of the transmission apparatus as an external unit;
>
> a LAN interface which makes a contact point with a second user network management system which handles second resource management information concerning a second cell assembly and disassembly unit which is directly accommodated in the transmission apparatus;
>
> an external interface which makes a contact point with a customer network management agent process; and
>
> a switch;
>
> wherein the transmission apparatus is configured to allow the customer network management agent process, the first user network management system and the second user network management system to communicate with each other using at least one logically defined resource management path permanently set in the switch ,

wherein an in-band simple-network-management-protocol (SNMP) access is implemented by forming an information path of the customer network management agent process by an out-band access and an in-band access, and

wherein the transmission apparatus further comprises an interface via which both the first and second resource management information can be sent to a transaction language management subsystem which performs a facility node resource management in an STM transmission and a common management information service element subsystem, and can further be sent to the customer network management agent process and the first and second user network management systems.

Yamaguchi discloses an ATM-based private network having short cut signaling capabilities, and the Examiner suggests that the applicant's claimed "ATM/user network interface which makes a contact point with a first user network management system which handles first resource management information concerning a first cell layer assembly and disassembly unit which is accommodated outside of the transmission apparatus as an external unit" is taught by Yamaguchi's site A, the CLADs 1B, IC and the CLAD controllers 22 of the CLADs 1B, 1C.

However, the CLAD controllers 22 taught by Yamaguchi do not meet the limitations claimed for Applicant's claimed network management systems.

Specifically, Yamaguchi fails to disclose Applicant's claimed in-band SNMP access which is implemented by forming an information path of the customer network management agent process by an out-band access and an in-band access, as discussed for example at page 18, line 35 to page 19, line 2, in Applicant's Specification. In Applicant's apparatus, the out-band access is overlaid over the in-band access.

For the in-band access, resource management information paths are assigned to cell transmission channels logically set on the user-data carrier so that the user data is transmitted in the ATM network with the carrier. For the "out-band" access, an external channel carrier interface is formed through an SNMP port (see, e.g., Applicant's specification at page 16, line 23

to page 17, line 10). In sharp contrast, Yamaguchi's system provides no resource management information port via which information for the external monitoring is received or transmitted.

The Examiner acknowledges that Yamaguchi fails to expressly disclose Applicant's claimed external interface which makes a contact point with a customer network management agent process

Hayball discloses, for example, in its abstract and at column l, line 47 to col. 2, line 9, an architecture for a communications network manager, and suggests that virtual paths are used as a means for conveying network management information (see also FIG. 6 and col. 12, lines 29-34 of Hayball). However, in contrast to Applicant's claimed invention, Hayball in combination with Yamaguchi still fails to teach or suggest Applicant's claimed implementation for forming an in-band SNMP access.

The transmission apparatus of Applicant's claimed invention implements an in-band SNMP access by forming an information path of the customer network management agent process by an out-band access and an in-band access. In the in-band SNMP access as claimed by Applicant, the out-band access is overlaid over the in-band access, independently from a specific communications network manager architecture as taught by Hayball.

Moreover, Applicant respectfully submits that it a person skilled in the art would lack sufficient motivation to combine the teaching of Yamaguchi with the teaching of Hayball to teach Applicant's claimed invention. Yamaguchi is directed to a closed-loop, autonomous control system of the site A, B or C, in which no mechanism for handling network management information across sites is provided. Hayball is directed to a means for conveying network management information between physical resources. Applicant respectfully submits that neither

reference teaches or suggests a need or problem that would have motivated one skilled in the art at the time of the invention to consult the the other reference for finding a possible solution.

Accordingly, Applicant respectfully submits that amended independent claim 9 is not made obvious by the combination of Yamaguchi with Hayball, and the amended independent claim 9 is therefore in condition for allowance. As dependent claims 2 – 7 each depend from allowable claim 9, Applicant further submits that dependent claims 2 – 7 are also allowable at least for this reason.

CONCLUSION

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

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